

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TANYA BANKERT,

Plaintiff,

v.

KILOLO KIJAKAZI,<sup>1</sup>  
*Acting Commissioner of Social  
Security,*

Defendant.

No. 1:21-CV-00796

(Chief Judge Brann)

(Magistrate Judge Carlson)

**ORDER**

**MARCH 1, 2023**

Tanya Bankert filed this action seeking review of a decision by the Acting Commissioner of Social Security (“Commissioner”) denying Bankert’s claim for social security disability benefits and supplemental security income benefits.<sup>2</sup> On January 30, 2023, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court vacate the Commissioner’s decision, remand this matter for further proceedings, and close this case.<sup>3</sup> No timely objections were filed to this Report and Recommendation.

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Kilolo Kijakazi, as the successor officer to Andrew Saul, Commissioner of Social Security, is automatically substituted as Defendant in this action.

<sup>2</sup> Docs. 1, 21.

<sup>3</sup> Doc. 24.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.<sup>4</sup> Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.<sup>5</sup> Upon review of the record, the Court finds no error—clear or otherwise—in Magistrate Judge Carlson’s conclusion that the Commissioner’s decision is not supported by substantial evidence. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 24) is **ADOPTED**;
2. The Commissioner’s decision is **VACATED**, and this matter is **REMANDED** for further proceedings consistent with this Order and Magistrate Judge Carlson’s Report and Recommendation;
3. Final Judgment is entered in favor of Plaintiff and against Defendant pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g);
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge

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<sup>4</sup> Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

<sup>5</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.